

**CITY COUNCIL
ATLANTA, GEORGIA**

Municipal Clerk
Atlanta, Georgia

06-O-0568

AN AMENDED ORDINANCE BY:
ZONING COMMITTEE

Z-06-23

AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE PEOPLESTOWN NEIGHBORHOOD FROM THE R-5 (TWO-FAMILY RESIDENTIAL), RG-2 (RESIDENTIAL GENERAL), C-1 (COMMUNITY BUSINESS), C-1-C (COMMUNITY BUSINESS-CONDITIONAL), C-2 (COMMERCIAL SERVICE), I-1 (LIGHT INDUSTRIAL), I-1-C (LIGHT INDUSTRIAL-CONDITIONAL), AND I-2-C (HEAVY INDUSTRIAL-CONDITIONAL) DISTRICTS TO THE R-4A (SINGLE-FAMILY RESIDENTIAL), R-5-C (TWO-FAMILY RESIDENTIAL-CONDITIONAL), MR-3 (MULTI-FAMILY RESIDENTIAL), MR-4A-C (MULTI-FAMILY RESIDENTIAL-CONDITIONAL), MRC-1-C (MIXED RESIDENTIAL COMMERCIAL-CONDITIONAL), AND I-1-C (LIGHT INDUSTRIAL - CONDITIONAL) DISTRICTS AND FOR OTHER PURPOSES.

NPU-V

COUNCIL DISTRICT 1

WHEREAS, the recommendations from the Peoplestown Community Redevelopment Plan land use and zoning update should be implemented; and

WHEREAS, the Peoplestown Neighborhood has been working with the Bureau of Planning on the update and supports the City to rezone Peoplestown neighborhood to implement the recommendations from the Peoplestown Community Redevelopment Plan land use and zoning update; and

WHEREAS, a diversified urban environment where people can live, work, meet and recreate should be created; and

WHEREAS, a compatible mixture of residential, commercial, industrial, and cultural and recreational uses should be provided; and

WHEREAS, the visual aesthetics of the neighborhood and City streets should be improved; and

WHEREAS, the official zoning maps should be amended to include the properties in the Peoplestown Neighborhood as shown on "Attachment 'A'" and "Attachment 'B'".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the 1982 City of Atlanta Zoning Ordinance be amended and the official zoning maps established in connection therewith be changed to include the properties located in the Peopletown Neighborhood with the designations as shown on "Attachment A" and "Attachment 'B'".

SECTION 2: This amendment is approved under the provisions of Section 16-02.003 of the City of Atlanta Zoning Ordinance entitled "Conditional Development" as identified with the use of the suffix "C" after the district designation. The Director of the Bureau of Buildings shall issue building permits for the development of the properties with said "Conditional Development" zoning district designation only in compliance with the following conditions:

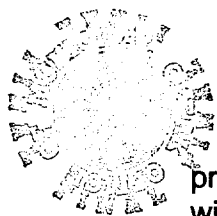
- 1) For the property located at 72 Milton Ave, 78 Milton Ave, 80 Milton Ave, and 1101 Martin Street in the MR-4A-C designation, the maximum building height shall be 52 feet
- 2) For properties in the MRC-1-C designation:
 - a. The following uses shall require a Special Use Permit:
 - i. Commercial greenhouses.
 - ii. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional or residential uses are provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
 - iii. Nursing homes, assisted living facilities, personal care homes and rehabilitation centers.
 - b. The following uses are prohibited:
 - i. Automobile service stations, car washes.
 - ii. Dry cleaning plants
 - iii. New and used car sales, including motorized vehicles such as mopeds and motorcycles
 - iv. Park-for-hire surface parking lots
 - v. Park-for-hire parking decks
 - vi. Repair garages, paint and body shops
 - vii. Security storage centers greater than 7,500 square feet in floor area
 - viii. Truck stops
- 3) For properties in the I-1-C designation:
 - a. No building permit involving demolition of existing structures, new construction, or alterations to the building facades shall be issued without approval from the Director of the Bureau of Planning.
 - b. Maximum Building Height: 52 feet.
 - c. Drive-through service windows, drive-in facilities and associated queuing areas shall not be located between any building and the street.
 - d. The following uses shall require a Special Use Permit:
 - i. Broadcasting towers, line of sight relay devices for telephonic, radio or television communications when located 200 feet or more from any off-site residential

- districts or residential use not located in an industrial district and when such towers are greater than 200 feet in height, when located a distance which is greater than or equal to the height of the tower or device from a residential district or residential use which is not in an industrial district.
- ii. Churches, synagogues, temples, mosques and other religious worship facilities.
 - iii. Hotels/Motels.
 - iv. Individual Retail establishments, including those with sales or display lots or storage lots, greater than 10,000 square feet of floor area
- e. The following uses are prohibited:
- i. Adult businesses
 - ii. Automobile service station, car washes
 - iii. Bingo parlors
 - iv. Cemetery and mausoleum
 - v. Compost facility
 - vi. Extraction or removal of sand, gravel, topsoil, clay, dirt or other natural resources
 - vii. Materials recovery facility
 - viii. Municipal solid waste disposal facility
 - ix. Park-for-hire surface parking lots
 - x. Park-for-hire parking decks
 - xi. Repair garages, paint and body shops
 - xii. Solid waste handling facility
 - xiii. Sales and leasing agencies for new and used passenger automobiles and commercial vehicles
 - xiv. Sanitary landfills
 - xv. Terminals, freight, rail bus or truck, when erected or operated other than by a governmental agency
 - xvi. Truck stops, towing companies
 - xvii. Yards for storage of contractor's equipment, sand and gravel, lumber and the like
- f. Public sidewalks shall be located along all public and private streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: A street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:
- i. Street furniture and tree planting zone requirements. The street furniture and tree planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Director of the Bureau of Planning.
 - ii. On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Director of the Bureau of Planning.

- iii. Clear zone requirements. The clear zone shall have a minimum width of five feet. Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight by any permanent or nonpermanent element.
- iv. Street tree planting requirements. Street trees are required and shall be planted in the ground a maximum distance of 40 feet on center within the street furniture and tree planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of three inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 40 square feet. Said planting area shall also be planted with evergreen ground cover such as mondo grass or *liriope spicata* except where tree grates are installed. All plantings, planting replacement, and planting removal shall be approved by the city arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or *liriope spicata* or shall be paved as approved by the Director of the Bureau of Planning. Variations may be granted by the Director of the Bureau of Planning, subject to constraints such as overhead or underground utilities and Georgia Department of Transportation requirements along state routes.
- v. Paving. All paving within the street furniture and tree planting zone that is not standard poured concrete, shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.
- vi. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade. See subsection 16-28.008(9), Visibility at intersections.
- vii. No awning or canopy shall encroach beyond the clear zone.
- viii. Decorative pedestrian lights, where installed, shall be placed a maximum distance of 60 feet on-center and spaced equal distance between required trees along all streets unless otherwise approved by the Director of the Bureau of Planning. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
- ix. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
- x. Trash receptacles or similar elements, where installed, shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.
- g. Fences and walls shall meet the following regulations:

- i. Fences located between the primary building and a public or private street shall not exceed six feet in height.
- ii. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas
- iii. No barbed wire, razor wire, chain link fence (with the exception of black vinyl-coated fencing) or similar elements shall be visible from any public plaza, sidewalk-level outdoor dining area or public or private street.
- h. Pedestrian entrances: The primary pedestrian entrance to access all sidewalk-level uses with public or private street frontage shall face and be visible from the public or private street when located adjacent to such street. When located along a street that functions as an arterial or collector, shall face, be visible from, and be directly accessible from the sidewalk along such street. Entrances shall remain unlocked during business hours for nonresidential uses.
- i. Loading areas, loading dock entrances and building mechanical and accessory features:
 - i. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of way.
 - ii. Loading dock entrances shall be screened so that loading docks are not visible from the public right-of-way.
 - iii. Building mechanical and accessory features:
 - 1. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
 - 2. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
- j. Driveway curb cut requirements:
 - i. All sidewalk paving materials shall be continued across any intervening driveway curb cut at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.
 - ii. Shall have a band of textured concrete adjacent to the street which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone and a minimum width of five feet from the sidewalk.
 - iii. Shall be a maximum of 24 feet wide for two-way entrances and 12 feet wide for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
 - iv. Shall not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street with similar land uses on adjacent properties, with the exception of hotel patron drop-off drives.
 - v. Maximum permitted number of driveway curb cuts for each development, subject to the provisions of Section 16-25.002(3):
 - 1. Developments with only one street frontage, which is less than 300 feet in length: one;

2. Developments with only one street frontage, which is greater than 300 feet in length: two;
 3. Developments with more than one street frontage: one located on each street frontage, provided that curb cuts shall not be permitted on arterial or collector streets when access may be provided on other streets with adjacent land uses similar to that of the subject property.
 4. Two curb cuts serving two one-way driveways shall only be counted as one curb cut.
- k. Parking structures: shall conceal automobiles from visibility from any public park, right-of-way or private street, and shall have the appearance of a horizontal storied building on all levels from said park, right-of-way or street.
 - l. All lighting in parking decks and surface parking lots shall reduce light spillage outside of property by providing cut-off luminaires which have a maximum 90 degree illumination. Lighting within parking decks shall not contain unshielded internal light bulbs that are visible from any public park, right-of-way or street.
 - m. Off-street parking requirements:
 - i. All developments shall have walkways a minimum width of four feet connecting ground-level parking to the public sidewalks and to all building entrances.
 - ii. Surface Parking Lot Landscaping: The requirements of City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking Lot Requirements shall apply except as modified as follows:
 1. Said parking lot landscaping requirements shall apply to all lots regardless of size;
 2. All parking bays shall be terminated with a landscaped strip a minimum width of five feet and equal to the length of the parking bay.
 3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and
 4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights of way shall have a minimum of one tree with a minimum caliper of two and one-half inches.
- 4) For properties in the R-5-C designation in Peoplestown Neighborhood:
- a. The minimum width of a house shall be 25 feet as measured from the exterior of the side walls. The side walls shall be the walls that are perpendicular to and attached to the wall in which the primary entrance is located.
 - b. The primary pedestrian entrance of the principal structure shall face and be visible from a public or private street.
 - c. Driveways shall extend at least 20 feet beyond the street-facing front façade of the principal structure and have a maximum width of 10 feet in the front yard.
 - d. Garages entrances shall not face a public or private street. Single car-width garage entrances shall be permitted to face the half depth front yard. Garage entrances that exceed single width shall be permitted to face only the rear property line.
 - e. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall be set back of a minimum of 15 feet from the street facing façade of the

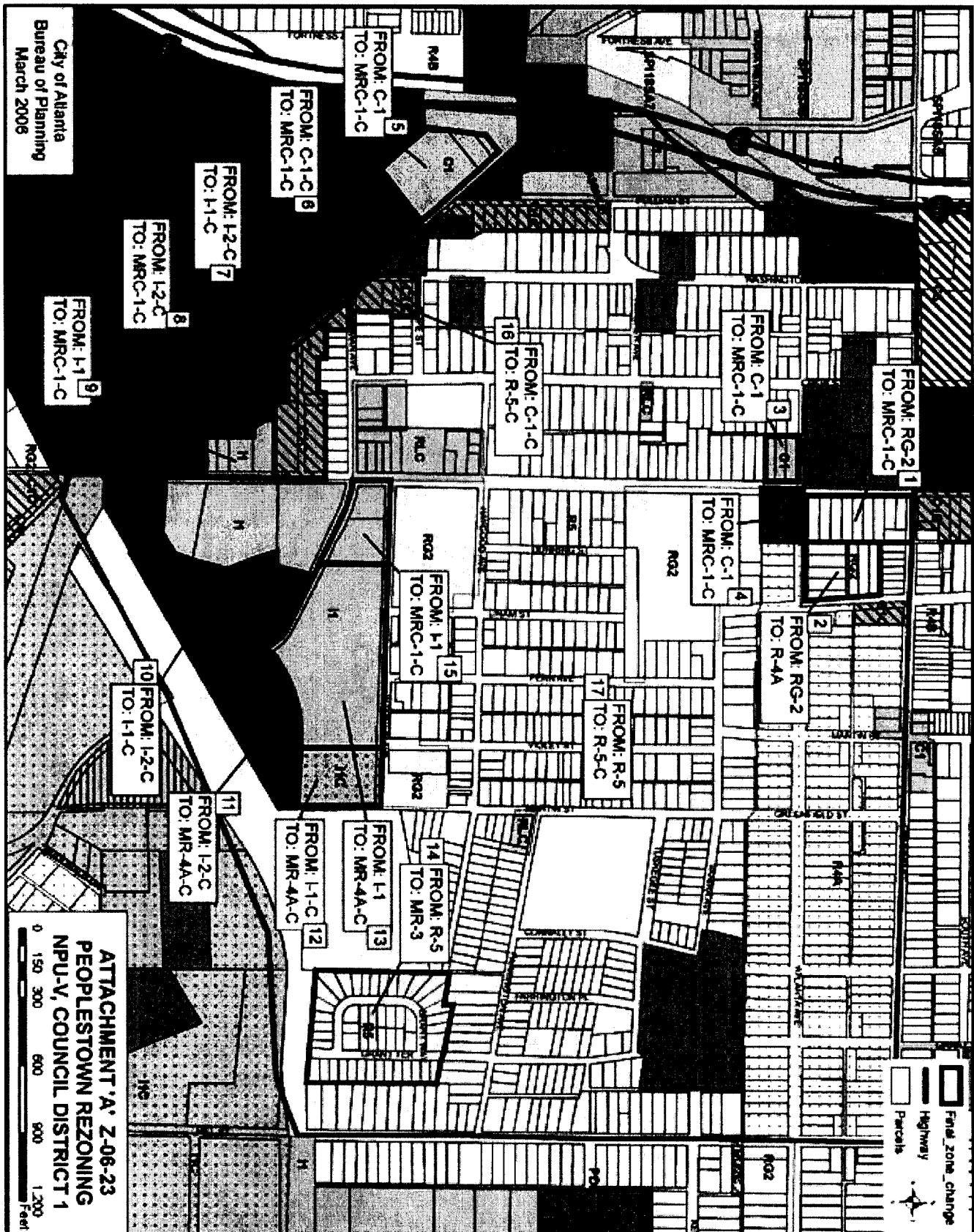


principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.

- f. Any facades that face a public or private street shall consist of fenestration that is no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet
- g. Roof of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
- h. Any portion of a chimney that is located on any façade that faces a public or private street shall originate at grade.
- i. Foundations:
 - i. The first floor of the principal structure shall be on foundations and elevated above the grade between one and one half (1.5) and four (4) feet, unless existing topography is greater, as measured at the front façade of the structure. Slab-on-grade construction is not permitted. All front steps shall have closed risers and closed ends, and shall not use wood material. Access ramps shall be permitted.
 - ii. Foundations shall constitute a distinct building design element and shall contrast with the front façade material when hardiplank or horizontal wood sidings are used. Brick, stone, or true stucco shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

ATTACHMENT "A"



ATTACHMENT 'B'

Area	Addresses	Zoning From	Zoning To
1	Even addresses from 846 Hank Aaron Dr. to 882 Hank Aaron Dr., 21 Ormond Street	RG-2	MRC-1-C
2	Odd addresses from 857 Fraser St. to 865 Fraser Street Even addresses from 28 Atlanta Ave. to 46 Atlanta Ave.	RG-2	R-4A
3	Odd addresses from 891 Hank Aaron Blvd. to 901 Hank Aaron Dr.	C-1	MRC-1-C
4	898 Hank Aaron Dr.	C-2-C	MRC-1-C
5	Odd addressed from 1027 Ridge Ave. to 1039 Ridge Ave.	C-1	MRC-1-C
6	Even addresses from 1096 Ridge Ave. to 1106 Ridge Ave. Odd addresses from 1101 Hank Aaron Dr. to 1107 Hank Aaron Dr. 38 Weyman Ave. (Rear)	C-1-C	MRC-1-C
7	Odd addresses from 1049 Ridge Ave. to 1181 Ridge Ave. Odd addresses from 1155 Hank Aaron Dr. to 1169 Hank Aaron Dr.	I-2-C	I-1-C
8	Even addresses from 1112 Ridge Ave. to 1140 Ridge Ave.	I-2-C	MRC-1-C
9	Odd addresses from 1111 Hank Aaron Dr. to 1139 Hank Aaron Dr.	I-1	MRC-1-C
10	Odd addresses from 55 Milton Ave. to 79 Milton Ave.	I-2-C	I-1-C
11	78, 80 Milton Ave.	I-2-C	MR-4A-C
12	1101 Martin St.	I-1-C	MR-4A-C
13	72 Milton Ave.	I-1	MR-4A-C
14	Even addresses from 1034 Grant Ter. To 1086 Grant Ter. Odd addresses from 1045 Grant Ter. To 1069 Grant Ter. Even addresses from 1030 Grant Way To 1092 Grant Way Odd addresses from 1019 Grant Way To 1099 Grant Way	R-5	MR-3
15	1078 Hank Aaron Dr. 20, 24 Milton Ave.	I-1	MRC-1-C
16	Even addresses from 1066 Washington St. to 1082 Washington St.	C-1-C	R-5-C
17	All the R-5 properties in Peoplestown neighborhood	R-5	R-5-C

RCS# 227

5/01/06

2:56 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

06-0-0282 06-0-0277 06-0-0498 06-0-0568

06-0-0567

ADOPT AS AMEND

YEAS: 11

NAYS: 0

ABSTENTIONS: 0

NOT VOTING: 4

EXCUSED: 0

ABSENT 1

Y Smith

Y Archibong

Y Moore

Y Mitchell

B Hall

Y. Fauver

NY Martin

NV Norwood

Y Young

Y Shook

Y Maddox

Y Willis

NV Winslow

Y. Müller

Y. Shepherd

NV Borders

MULTIPLE

(Do No **06** Above **0566**)

AN ORDINANCE

Z-06-23

BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE PEOPLESTOWN NEIGHBORHOOD FROM THE R-5 (TWO-FAMILY RESIDENTIAL), RG-2 (RESIDENTIAL GENERAL), C-1 (COMMUNITY BUSINESS), C-1-C (COMMUNITY BUSINESS-CONDITIONAL), C-2 (COMMERCIAL SERVICE), I-1 (LIGHT INDUSTRIAL), I-1-C (LIGHT INDUSTRIAL-CONDITIONAL), AND I-2-C (HEAVY INDUSTRIAL-CONDITIONAL) DISTRICTS TO THE R-4A (SINGLE-FAMILY RESIDENTIAL), R-5-C (TWO-FAMILY RESIDENTIAL-CONDITIONAL), MR-3 (MULTI-FAMILY RESIDENTIAL), MR-4A-C (MULTI-FAMILY RESIDENTIAL-CONDITIONAL), MRC-1-C (MIXED RESIDENTIAL, COMMERCIAL-CONDITIONAL), AND I-1-C (LIGHT INDUSTRIAL - CONDITIONAL) DISTRICTS AND FOR OTHER PURPOSES.

NPU 'V'

COUNCIL DISTRICT 1

☐ CONSENT REFER

☒ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Date April 26, 2006
Chair Paul Spair
Referred To Refer to Council

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

MAY 01 2006

COUNCIL

Refer To

Refer To

FINAL COUNCIL ACTION

☒ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☒ RC Vote

CERTIFIED

MAY 01 2006

CERTIFIED

MAY 01 2006

MAYOR'S ACTION

APPROVED

MAY 08 2006

MAYOR